



Office of the Staff Judge Advocate LEGAL SERVICES U.S. Army Japan and I Corps (Fwd)

JUNE 2009

Newsletter

Japanese Attorney Services

If for any reason you have a legal dispute with a Japanese citizen or the government, other than a criminal matter, this office is available to assist you with scheduling an appointment to meet with our contracted Japanese attorney, free of charge.

Many clients have already met with the attorney for matters regarding Japanese marriages, family issues, lease agreements, wills, divorces, and even evictions. Call

to see if your issue qualifies for legal assistance with the attorney.

For your convenience, the Japanese attorney will meet with all clients in our office. The attorney is generally available three Tuesdays every month from 0900 –1200 hours.

Please contact our legal office at 263-4698 for an appointment.

Immigration of non-US Spouse

To bring a non-US citizen spouse into the United States to live requires two things: an approved petition for permanent residency and an immigrant visa. As long as the US citizen spouse has resided in Japan for the last 6 months, the US Embassy in Tokyo, Japan can process the permanent resident petition and immigrant visa.

If eligible to apply through the US Embassy, the first step is completing Form I-130 – Petition for Alien Relative and the related paperwork. A complete checklist of required documents is available on the US Embassy Japan website at <http://tokyo.usembassy.gov/e/visa/tvisa-ivi130check.html>.

The next step is to schedule an I-130 appointment at the US Embassy in Tokyo; appointments can be scheduled online. Hand-carry the I-130 petition and related paperwork to the appointment.

The US Embassy will review the documents and request any additional information that is needed. In some instances ad-

ditional appointments are necessary. Once the US Embassy has the information it needs, the petition is processed.

After approval of the I-130, a final interview is scheduled for the immigrant visa. With the approved I-130 petition and immigrant visa the immigrant spouse is free to enter the United States. Upon entry to the United States, the immigrant spouse must get a Permanent Resident card issued by US Citizenship and Immigration Services.

If the marriage is less than two years old, a Conditional Permanent Resident Card is issued. This card is only good for two years and within 90 days of the card's expiration, a petition to remove the condition must be filed.

If the marriage is more than two years old, a Permanent Resident Card is issued that is generally good for 10 years.

While the process is simple, it can take several months to complete, so it is best to start the process early to avoid possible separation during a PCS.

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WE'RE ON THE WEB

**HTTP://
WWW.USARJ.ARMY.MIL/
CMDSTAFFS/SJA/
LAO.ASPX**

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SERVE
AMERICA'S
FINEST MEN
AND WOMEN

If you have any
questions, comments,
or suggestions, please
contact the Legal
Assistance Office at
263-4698.



Tax Deduction for Reserve/National Guard Members

Military Family Tax Relief Act of 2003 amended the Internal Revenue Code to allow a deduction for certain Reserve expenses incurred after December 31, 2002. The deduction is allowed whether or not a taxpayer elects to itemize. The only requirements are that the service member travel more than 100 miles from home, stay overnight, and the trade or business be connected with their service. Of course, the deduction cannot exceed the per diem rate for the location. Federal per diem rates are available at <https://www.secureapp2.hqda.pentagon.mil/perdiem/perdiemrates.html>.

If all the criteria are met, the taxpayer may deduct expenses for transportation, meals, and lodging (up to the per diem rate).

If you travel above 100 miles from home, you should first complete Form 2106, Employee Business Expenses, or Form 2106 EZ, Unreimbursed Employee Business Expenses.

If there are expenses incurred that either exceed the federal per diem rate or involve travel under 100 miles from home, these expenses are available as a miscellaneous itemized deduction on Schedule A subject to the 2% floor on miscellaneous itemized deductions.

Who is this baby's father?

Establishing paternity means that a legal decision is made that a certain man is the father of a particular child. Once paternity is established, a child gains legal rights and privileges. Among these may be rights to inheritance, rights to the father's medical and life insurance benefits, and to social security and possibly veterans' benefits. The child also has a chance to develop a relationship with the father, and to develop a sense of identity and connection to the "other half" of his or her Family. It may be important for the health of the child for doctors to have knowledge of the father's medical history.

What is Army Policy Regarding Paternity? Army members are expected to provide adequate financial support to family members in accordance with AR 608-99. In the case of paternity, support is required where: Valid proof of paternity has been established through a court order, or an Army member voluntarily acknowledges paternity. A service member has no legal obligation to provide financial support to a child born out of wedlock unless the mother gets a court order that identifies him as the father and directs payment of financial support.

A service member may voluntarily admit paternity and agree to provide financial support. However, the alleged father must be aware that by voluntarily accepting paternity, he will be financially liable for the child until that child turns 18 or older (depending on state law). An alleged father should see an attorney before making a voluntary admission of paternity.